

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard J. Denatale	Group Art Unit: 2614
Serial No.: 10/756,869	Examiner: Quynh H. Nguyen
Filed: January 14, 2004	Conf. No.: 3402
	Atty. Dkt.: 2300.000600
For: Method For Employing Electromyographic Sensors To Initiate Oral Communications With A Voice- Based Device	Client Docket: AUS920031013US1

RESPONSE TO FINAL OFFICE ACTION DATED NOVEMBER 17, 2008

MAIL STOP Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the Final Office Action dated November 17, 2008 for which the three-month date for response is February 17, 2009. This response is being filed **less than two months** from the mailing date of the action, therefore, Applicant(s) is/are entitled to an Advisory Action. M.P.E.P. §706.07(f).

If an extension of time is required to enable this paper to be timely filed and there is no separate Petition for Extension of Time filed herewith, this paper is to be construed as also constituting a Petition for Extension of Time Under 37 CFR § 1.136(a) for a period sufficient to enable this document to be timely filed.

No fee(s) is believed to be due, however should any fee(s) under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby

authorized to deduct said fee from IBM Corporation's PTO Deposit Account No. 09-0447/AUS920031013US.¹

¹ In the event the funds in that account are insufficient, the Commissioner is authorized to deduct any said fees from Williams, Morgan & Amerson P.C.'s PTO Account No. 50-0786/2300.000600.